

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO: 09-166

v.

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SECTION: N

LARRY ROSS

*

a/k/a “Big Whiskey,” “Big Boy”

FACTUAL BASIS

Should this matter proceed to trial, the United States would prove the defendant, **LARRY ROSS’s**, guilt beyond a reasonable doubt of the violation alleged in Count One of the Second Superseding Indictment through the following credible testimony and reliable evidence:

Agents with the Federal Bureau of Investigation (FBI) conducted an investigation into the drug trafficking activities of **SHELDON DEAN** and **RANDY DEAN** and others in the Eastern District of Louisiana and elsewhere. The investigation included the use of information from FBI agents, DEA agents, state and local law enforcement officers, and confidential sources. Agents analyzed pen register information and telephone toll records, conducted surveillance and made controlled narcotics purchases and seizures from members of this drug trafficking conspiracy. All substances obtained from members of the organization tested positive for cocaine hydrochloride or heroin.

The FBI also utilized federal court ordered Title III wiretaps. On June 14, 2007, the Honorable Kurt D. Engelhardt, United States District Court Judge for the Eastern District of Louisiana, issued an Order authorizing the interception of wire communications made over telephone numbers (504) 609-6787 and (504) 270-3002, utilized by SHELDON DEAN. Interception of wire communications to and from (504) 270-3002 continued until July 13, 2007. Interception of wire communications to and from (504) 609-6787 continued until August 11, 2007. Wire intercepts of (504) 270-3002 and (504) 609-6787 revealed that SHELDON DEAN and others were distributing heroin and other illegal drugs in the Eastern District of Louisiana. The wire interception revealed that KEVIN COCKERHAM supplied SHELDON DEAN and others with illegal drugs.

Accordingly, agents applied for a wire interception of a telephone utilized by KEVIN COCKERHAM. On July 20, 2007, Judge Engelhardt issued an Order authorizing the interception of wire communications made over telephone number (504) 957-2288, utilized by KEVIN COCKERHAM. Interception of wire communications to and from (504) 957-2288 continued until September 13, 2007.

The intercepted wire communications showed that KEVIN COCKERHAM was regularly communicating with **LARRY ROSS, also known as “Big Whiskey” and “Big Boy,”** and supplying him and his associates with multiple ounce quantities of heroin. At trial, the government would introduce intercepted phone calls in which KEVIN COCKERHAM and **LARRY ROSS** discussed quantities of heroin. For example, on July 25, 2007, agents intercepted a telephone call in which **ROSS** told COCKERHAM, “that was 57 with the sack, you heard me, it was short.” **ROSS** said “[I] looked at it before [I] gave it to him, so [I] know he wasn’t lying.” **ROSS** said, “it

was supposed to be 62.” COCKERHAM wanted to know how much the drug weighed without the packaging saying “the bag ain’t nothing but about one (1) so what it was?” ROSS said, “57.5 with the bag.” About an hour and half later, COCKERHAM and ROSS spoke again. COCKERHAM told ROSS to “come on over.” ROSS told COCKERHAM, “I think they want another one, like the other one.” COCKERHAM told ROSS that was okay and that “what [I] did there [I] did because that was the first time but what [I] told you the first time that is what it is, the number.” ROSS said, “oh, alright, alright, I will let them know.” Agents would testify that the first conversation on July 25, 2007, took place after COCKERHAM was supposed to have given ROSS two and a quarter (2 1/4) ounces of heroin, but only gave him 57.5 grams. Following this transaction, COCKERHAM called ROSS to come get the heroin he owed him and ROSS indicated that he thought the individuals he brokered the deal for wanted another two and a quarter (2 1/4) ounces. COCKERHAM clarified the price and weight on future deals for ROSS’s associates and ROSS indicated that he would tell them.

Following this conversation, ROSS and COCKERHAM were intercepted on several more occasions until August 13, 2007 when ROSS was arrested in the B.W. Cooper Housing Development on charges of possession with intent to distribute heroin and drug paraphernalia. The charges were refused on September 24, 2007. Following his release from prison, ROSS admits that he resumed distributing heroin in the B.W. Cooper Housing Development. On December 9, 2008, ROSS was stopped by officers with the New Orleans Police Department in possession of approximately 70 individual foils of heroin. The heroin was intended for distribution in the B.W. Cooper Housing Development.

The government and defendant agree that the amount of heroin that **LARRY ROSS** was responsible for distributing or was reasonably foreseeable to him as being distributed by the members of the conspiracy in this case of which he was one includes not less than 1 kilogram but no more than 3 kilograms.

READ AND APPROVED:

EMILY K. GREENFIELD (LA 28587)
Assistant United States Attorney

DATE

Gary Wainwright ()
Counsel for Defendant

DATE

Larry Ross
Defendant

DATE